

5-20-2009

State v. Hanington Order Dckt. 35596

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In the Supreme Court of the State of Idaho

LAW CLERK

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	ORDER GRANTING MOTION TO
)	AUGMENT THE RECORD
v.)	
)	Supreme Court Docket No. 35596-2008
WILLIAM BLAINE HANINGTON,)	Ada County District Court DC No.
)	2007-375
Defendant-Appellant.)	

A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on May 14, 2009. Therefore, good cause appearing, IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT THE RECORD be, and hereby is, GRANTED and the augmentation record shall include the documents listed below, file stamped copies of which accompanied this Motion:

- 1. Order, file-stamped May 5, 2009.
- DATED this 20 day of May 2009.

For the Supreme Court

Stephen Kenyon
Stephen W. Kenyon, Clerk

cc: Counsel of Record

AUGMENTATION RECORD

In the Supreme Court of the State of Idaho

STATE OF IDAHO,

Plaintiff-Respondent,

v.

WILLIAM BLAINE HANINGTON,

Defendant-Appellant.

)
) ORDER GRANTING MOTION TO
) AUGMENT THE RECORD
)
) Supreme Court Docket No. 35596-2008
) Ada County District Court DC No.
) 2007-375
)
)

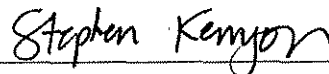
A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on May 14, 2009. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT THE RECORD be, and hereby is, GRANTED and the augmentation record shall include the documents listed below, file stamped copies of which accompanied this Motion:

1. Order, file-stamped May 5, 2009.

DATED this 20 day of May 2009.

For the Supreme Court



Stephen W. Kenyon, Clerk

cc: Counsel of Record

DMW
COPY



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____
A.M. _____ P.M. 2:3

MAY 5 2009

THE STATE OF IDAHO,
Plaintiff,

vs.

WILLIAM B. HANNINGTON,
Defendant

Case No.: H0700375

ORDER

RECEIVED

MAY 07 2009

STATE APPELLATE
PUBLIC DEFENDER

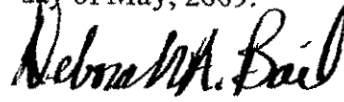
J. DAVID NAVARRO, CIG
DEPUTY

The defendant was sentenced on August 11, 2008. His attorney filed a Motion for Rule 35 on August 13, 2008, requesting that leave be given for the record to be supplemented. A Notice of Appeal was filed the same date. The record was not supplemented. As a result of the receipt of the Supreme Court's Order suspending briefing on May 4, 2009, this Court became aware that the Motion was in the file.

The defendant was initially given a rider as a result of his sentence on July 16, 2007. He did well on his rider and he was given probation on January 14, 2008. A motion for probation violation was filed on April 9, 2008. Subsequently, the defendant admitted to violating his probation. On August 11, 2008, as a result of his admission that he had violated probation, probation was revoked and the previously suspended sentence of one year fixed followed by four years indeterminate was imposed. A review of the record supports the sentence. The defendant performed miserably on probation. The sentence was just. The motion for sentence reduction is denied.

It is so ordered.

Dated this 5th day of May, 2009.

A handwritten signature in black ink, appearing to read "Deborah A. Bail". The signature is written in a cursive style with a large initial 'D'.

Deborah A. Bail
District Judge